UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,749	02/06/2002	Ji Yong Kim	P67577US0	4774

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EXAMINER
SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/066,749	KIM ET AL.
	Examiner	Art Unit
	Philip S. Scuderi	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 January 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office action is in response to applicant's communication filed on 09 January 2006.

Response to Amendment

The final rejection mailed on 11 January 2006 is withdrawn because applicant's submission under 37 CFR 1.114 filed on 09 January 2006 predates the mailing date of the final rejection.

Response to Arguments

Applicant's arguments, see remarks, filed 09 January 2006, with respect to the examiner's use of impermissible hindsight reasoning have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Busey alone. Also, upon further consideration claims 1 and 11 are broader than the examiner previously realized and remain obvious over Mirashrafi in view of Busey.

Regarding claims 1 and 11, the recitation "using an Internet relay chat (IRC)" protocol has no patentable weight because the recitation occurs in the preamble. As such, the control messages are not limited to using the IRC protocol. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claims 7 distinguishes over the combination of Mirashrafi in view of Busey previously set forth (i.e., modifying Mirashrafi to use the IRC protocol for transmitting the control messages)

because applicant's arguments with respect to the examiner's use of impermissible hindsight

reasoning are persuasive.

Claims 7 distinguishes over the combination of Mirashrafi in view of Busey set forth in this

Office action because Mirashrafi does not teach "sending the control message to said IRC server

according to said IRC protocol" (claim 7, line 6).

Claim Objections

Claims 1, 7, and 11 are objected to for minor informalities. In light of the present

amendments the word "and" should presumably be moved to the end of the second to last

limitation (e.g., from line 10 to line 14 in claim 1).

Claims 5 and 15 are objected to for minor informalities. The word "a" presumably belongs

before "Java applet".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 1 recites "creating a control message corresponding to an event **if** the event occurs

while said client is connected to a Web server to conduct web surfing" (emphasis added), which

appears to indicate that the control message **does not** necessarily need to be created (e.g., if the

event occurs while the client is **not** connected to a Web server). However, the claim also recites

"sending the created control message to said IRC server", which appears to indicate that the control

message **does** necessarily need to be created. As such, the claim is indefinite for apparently

contradicting itself.

Claim 2 recites "detecting said event **if** said event occurs in a Web browser" (emphasis

added) and "analyzing the event" etc., which raises 112 issues similar to the issues discussed in

regards to claim 1.

Claims 7 and 11 raise the same 112 issues discussed in regards to claim 1.

Claims 8 and 12 raise the same 112 issues discussed in regards to claim 2.

Although the claims are indefinite for the reasons set forth above, the examiner will treate

the claims on the merits as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.

6,785,708 (hereinafter "Busey").

Regarding claims 1 and 11, Busey teaches a Web collaborative browsing method using an

IRC server (figure 1, 148; figure 3, 320; column 3, lines 61-64), said method comprising:

a), by a collaborative browsing client, opening a collaborative browsing session (column 4,

lines 6-14);

b), creating a control message (figure 3, message A) corresponding to a type of an event

(column 5; lines 1-9; Sarah finding/browsing a website) if the event occurs in a Web browser (figure

3, 312) of a collaborative browsing client (figure 3, 310) while said client is connected to a Web

server via said Web browser to conduct Web surfing (column 5; lines 1-9), and then sending the

created control message (column 5, lines 50-53) to said IRC server (figure 1, 148; figure 3, 320) over

a network (figure 3);

c), by said server, receiving the sent event occurrence control message (figure 3; 320 receives

message A) and transferring the received control message to a plurality of clients participating in said

collaborative browsing session opened by said collaborative browsing client (column 5, line 59); and

d), by a collaborative browsing component program of each of said session participating clients,

instructing a Web browser of a corresponding one of said session participating clients in response to

said control message to request the same event as that having occurred in said collaborative

browsing client, from said Web server (column 5, lines 53-55).

Regarding claim 7, Busey teaches a web collaborative browsing system using an Internet

relay chat (IRC) protocol and a standard IRC server, said system comprising:

event occurrence processing means for creating a control message (figure 3, message A)

corresponding to a type of an event (column 5; lines 1-9; Sarah finding/browsing a website) if the

event occurs in a Web browser (figure 3, 312) of a collaborative browsing client (figure 3, 310) while

said client is connected to a Web server via said Web browser to conduct Web surfing (column 5;

lines 1-9), and then sending the created control message (column 5, lines 50-53) to said IRC server

(figure 1, 148; figure 3, 320) according to said IRC protocol (column 3, lines 61-64);

event synchronization means for receiving said control message via said IRC server and

instructing a corresponding Web browser in response to the received control message to request the

same event as that having occurred in said collaborative browsing client, from said Web server

(column 5, lines 53-55; automatically acting on the embedded links); and

wherein the IRC server (figure 1, 148) is configured to handle both the control message and

a chatting message together (column 5, lines 7-9).

Regarding claims 2, 8, and 12, Busey further teaches:

an event occurrence detector for detecting said event if said event occurs in said Web

browser of said collaborative browsing client while said client is connected to said web server via

said Web browser thereof to conduct the Web surfing (figure 3, 310; column 5, lines 1-9; Sarah

performs the event detecting etc.);

an event analyzer for analyzing the contents of the detected event to determine the type of

said event (column 5, lines 1-9; Sarah determines whether the event is "great"); and

a message sender for creating said control message corresponding to the analyzed event contents

and sending the created control message to said IRC server according to said IRC protocol (column

5, lines 1-9).

Regarding claims 3 and 13, Busey does not expressly disclose whether the network is a wired

or wireless network, but the network must be at least one of the two.

Regarding claims 4, 9, and 14, Busey further teaches:

a message receiver for receiving said control message from said IRC server (figure 3, 334);

a message analyzer for analyzing the received control message to determine the type of said

event having occurred in said collaborative browsing client (column 5, lines 53-55; determining if the

message comprises a hyperlink); and

an event requester for applying a command based on the determination result to said

corresponding Web browser to instruct said corresponding Web browser to request the same event

as that having occurred in said collaborative browsing client, from said Web server (column 5, lines

53-55; acting on the hyperlink).

Regarding claims 5 and 15, Busey further teaches that the collaborative browsing component

program is implemented using ActiveX (column 6, lines 6-9).

Regarding claims 6, 10, and 16, Busey further teaches that the event is a Web document

request event (column 5, lines 50-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

Claims 1-3, 5, 6 11-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,199,096 (hereinafter "Mirashrafi") in view of Busey.

Regarding claims 1 and 11, Mirashrafi discloses a Web collaborative browsing method using

a server (figure 1, Bridgeport 103), said method comprising:

a), by a collaborative browsing client, opening a collaborative browsing session (column, 3

lines 18-25);

b), by said collaborative browsing client, creating a control message corresponding to an

event (column 4, lines 22-23; the event is entering a URL into a browser in a collaborative browsing

session) if the event occurs while said client is connected to a Web server to conduct Web surfing

(column 4, lines 17-19), after said collaborative browsing session is opened (column 4, lines 9-19),

and then sending the created control message to said server (column, 4 lines 22-23; the URL is sent

to the Bridgeport) over a network (figure 1, 150);

c), by said server, receiving the sent event occurrence control message (column 4, lines 22-

23) and transferring the received control message to a plurality of clients participating in said

collaborative browsing session opened by said collaborative browsing client (column 4, lines 23-25);

and

d), by a collaborative browsing component program of each of said session participating

clients, instructing a Web browser of a corresponding one of said session participating clients in

response to said control message to request the same event as that having occurred in said

collaborative browsing client, from said Web server (column 4, lines 28-30).

Mirashrafi does not disclose that the server is a standard IRC server that also handles a

chatting message. Nonetheless, IRC servers that handle chatting messages were well known in the

art, as evidenced by Busey. Busey teaches an IRC server that handles chatting messages (column 3, lines 61-64) that provides services such as enabling users to chat with each other (e.g., figure 4). Given the teachings of Busey, it would have been obvious to one of ordinary skill in the art to use the server as a standard IRC server, thereby enabling users to chat with each other.

The recitation "using an Internet relay chat (IRC)" protocol has not been given patentable weight because the recitation occurs in the preamble. As such, the control messages are not limited to using the IRC protocol. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claims 2 and 12, Mirashrafi further discloses that step b) includes:

b-1) detecting said event if it occurs in a Web browser of said collaborative browsing client (column 4, lines 21-22) while said collaborative browsing client is connected to said Web server via said Web browser thereof to conduct the Web surfing (column 4, lines 17-19);

b-2) analyzing the contents of the detected event (column 4, line 22);

b-3) creating said control message corresponding to the analyzed event contents (column 4, lines 22-23); and

b-4) sending the created control message to said server over said network (column 4, lines 22-23).

Regarding claims 3 and 13, Mirashrafi further discloses that said network is a wired network

(figure 4, 440; column 5, lines 41-44).

Regarding claims 5 and 15, Mirashrafi does not expressly disclose that the collaborative

browsing program is implemented using ActiveX. Mirashrafi is silent with respect to the

implementation details of the browsing program. Therefore, one of ordinary skill in the art would

be motivated to look outside the teachings of Mirashrafi to discover a means for implementing the

browsing program. In a similar art, Busey teaches a collaborative browsing component program

implemented using ActiveX (column 6, lines 6-9). Given the teachings of Busey it would have been

obvious to one of ordinary skill in the art to implement the collaborative browsing program using

ActiveX.

Regarding claims 6 and 16, Mirashrafi further discloses that said event includes a Web

document request event (figure 2, 205).

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi in

view of Busey as applied to claims 1 and 11 above, and further in view of U.S. Publication No.

2002/0138624 (hereinafter "Esenther").

Regarding claims 4 and 14, Mirashrafi further discloses that step d) includes:

d-1) receiving said control message from said server (an IRC server in view of Busey, as

applied to claim 1) (col. 4 lines 23-25); and

d-3) applying a command to a Web browser of a corresponding session participating client

to instruct said corresponding session participating client to request the same event as that having

occurred in said collaborative browsing client, from said Web server (col. 4 lines 28-30).

Mirashrafi does not expressly disclose analyzing the received control message to determine a

type of said event having occurred in said collaborative browsing client and applying the command

based on the determination result. The only event type expressly taught is updating a URL.

Nonetheless, synchronizing other browsing events was well known in the art, as evidenced by

Esenther.

In a similar art, Esenther discloses a method for collaborative web browsing that

synchronizes a plurality of events (abstract lines 1-5), analyzes received control messages (paragraph

60, lines 1-2) to determine a type of event having occurred in a collaborative browsing client

(paragraph 60, lines 3-6), and applies the a command based on the determination result

(paragraph 64).

Given the teachings of Esenther it would have been obvious to one of ordinary skill in the

art to synchronize browser events other than only URLs, to analyze the received control messages to

determine a type of said event having occurred in said collaborative browsing client, and to apply the

command based on the determination result. The motivation for doing so would have been so that

users could synchronize significant states of their web browsers (Esenther, abstract, lines 1-5).
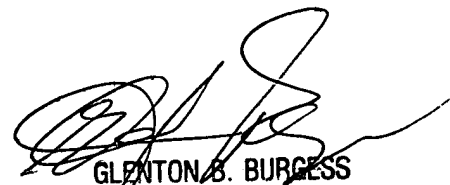
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner

can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PS

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